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Apr 15 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Jocelyn Newman, Circuit Court Judge

Appellate Case No. 2025-000221

Franklin J. Boyles,

Appellant,

vs.

C and C Masonry, Inc.,
Juneau Construction Company, LLC, and
University of South Carolina,

Respondents.

**RESPONDENT UNIVERSITY OF SOUTH CAROLINA'S
MOTION FOR AN EXTENSION OF TIME
BY WHICH IT MAY FILE ITS INITIAL BRIEF AND
DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL**

The Appellant in the above-captioned matter, Franklin J. Boyles, by and through his counsel, filed and served his initial brief with the Court on March 17, 2025. Accordingly, the initial brief and designation of matter to be included in the record on appeal by Respondent University of South Carolina [USC] are due April 16, 2025.

However, for the reasons stated below, Respondent USC, by and through its undersigned counsel, respectfully moves this Court to extend the deadline by which it must file its initial brief and designation of matter to be included in the record on appeal by 30 days or until Friday, May 16, 2025.

Respondent USC's undersigned counsel so moves in light of activity in other cases in which he has been engaged since March 17, 2025, including discovery activity in the following matters pending in state court:

- *Marquita Brimfield, v. S.C. Department of Transportation*, C/A No. 2024-CP-40-01692;
- *Frank Harp, v. S.C. Dep't of Transportation, et al.*, C/A No. 2024-CP-28-00480;
- *Preston Blake Spradley, as Special Administrator for the Estate of Alena Marie Kennedy, v. The Town of S. Congaree and the S. Congaree Police Dep't*, C/A No. 2023-CP-32-03276; and
- *Toni Yarber and Dawn Yarber, v. Medical University Hospital Authority, d/b/a MUSC Health Columbia Medical Center Downtown*, C/A No. 2024-CP-40-06595.

Respondent USC's undersigned counsel, in his capacity as counsel for the South Carolina Law Enforcement Officers' Association [SCLEOA], has also been recently engaged in representing law enforcement officers involved in incidents investigated by agents and technicians from the South Carolina Law Enforcement Division [SLED].

Respondent USC's undersigned counsel represents two (2) Aiken County Sheriff's Office deputies concerning a March 12, 2025 shooting incident. Respondent USC's undersigned counsel first met with his two (2) clients in Aiken on March 18, 2025, and he prepared them for interviews by SLED agents on March 25, 2025. Respondent USC's undersigned counsel attended each client interview conducted by SLED agents on March 25, 2025, and SLED's investigation into the March 12, 2025 incident in Aiken County remains ongoing.

Respondent USC's undersigned counsel represents three (3) McCormick County Sheriff's Office deputies concerning a March 15, 2025 use-of-force incident. Respondent USC's undersigned counsel first met with his three (3) clients in McCormick on March 31, 2025, and he has been preparing them for interviews by SLED agents. SLED agents interviewed two (2) of Respondent USC's undersigned counsel's clients on Monday, April 14, 2025, and SLED agents are scheduled to interview his third client during the week beginning Monday, April 21, 2025.

Respondent USC's undersigned counsel will attend each interview, and SLED's investigation into the March 15, 2025 incident in McCormick County obviously remains ongoing.

Respondent USC's undersigned counsel respectfully advises this Court that he consulted via email with the Appellant's counsel on April 14, 2025, and the Appellant's counsel graciously consents to the instant motion. Therefore, Respondent USC's undersigned counsel respectfully urges this Court to grant the instant motion, and he respectfully urges this Court to extend the deadline by which Respondent USC must file its initial brief and designation of matter to be included in the record on appeal in the instant matter until Friday, May 16, 2025.

RESPECTFULLY SUBMITTED:

s/Lake E. Summers

Lake E. Summers

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Columbia, South Carolina
April 15, 2025

**ATTORNEYS FOR THE UNIVERSITY
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PROOF OF SERVICE

I certify that I have served a copy of **RESPONDENT UNIVERSITY OF SOUTH CAROLINA'S MOTION FOR AN EXTENSION OF TIME BY WHICH IT MAY FILE ITS INITIAL BRIEF AND DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** upon the above-named Appellant by email to his counsel and other concerned counsel at the following addresses:

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Columbia, South Carolina
April 15, 2025